



THE UNIVERSITY OF
TENNESSEE
KNOXVILLE

TO: Chief Troy Lane
FROM: Lieutenant Donnie Ross
SUBJ: Internal Affairs Investigation
DATE: August 12, 2019

Incident

On July 25, 2019 Chief Troy Lane contacted me to make me aware of an incident that required an internal investigation. Lane said that Assistant Chief Keith Lambert contacted him and told him about an incident in which he was involved. Lane advised that Lambert stated the incident is being investigated by the Knox County Sheriff's Office Major Crimes Unit. Lane said the incident occurred on Wednesday, July 24, 2019 and took place near Lambert's new residence. Lambert recently bought a new house in Knox County. In fact, the sale closed on Monday, July 22, 2019. Lambert told Lane that he went to his new house to work on getting it ready to move into and he became involved in a confrontation. Lambert told Lane that he arrived at the house and opened the garage with his new opener. Lambert dropped the opener while opening the garage and bent over to pick it up. When Lambert came back upright, he saw two vehicles at his new residence, one in the garage and one in the driveway. Lambert told Lane that he then encountered a male who was exiting the house. Lambert then grabbed his off-duty gun (in the holster) to contact the male and challenge as to why he was in Lambert's house. Lambert told Lane that he never removed the gun from its holster. Lambert eventually realized he was at the wrong house, apologized and then went to his house which is next door. Lane said that based on the fact that there is an ongoing investigation into one of our officers, an internal investigation should be completed to make sure there was no violation of departmental policies.

Interviews

On Friday, July 25, 2019 at approximately 1630 hours, I made contact with Assistant Chief Keith Lambert to set up an interview with him for Friday, July 26, 2019 at 0800 hours. On Friday, July 26, 2019 at 0800 hours I met with Assistant Chief Lambert in his office to ask about the incident. Lambert read the Garrity Warning and signed it prior to giving his account of the incident. Lambert stated that He closed on his new house on Monday July 22. He said that he and his wife [REDACTED] had been to the property a couple of times prior to this incident and at each of those times a "For Sale" sign was posted on the property of the house. The house is located at [REDACTED] [REDACTED] Lambert said on Wednesday, July 24 he went to the property at approximately 1800 hours. Lambert described that he went to the property to takes care of a

couple of things prior to fully moving into the house. Lambert said that he left work at the University of Tennessee Police Department and stopped by his old house (Lambert and his wife still currently own) before going to the new house to take care of the items he needed to handle. He said that while at his old house, he changed into some plain clothes attire which included a pair of drawstring shorts.

Lambert drove to the new house and upon arrival, he reached into a box he had with him to use a remote garage opener to open the garage and access the house. Lambert said upon pushing the button on the opener to the new house, he fumbled and dropped the opener. He bent over to pick up the opener and when he sat back upright, he saw two vehicles in the garage that he had just opened. Lambert noted that one of the vehicles had out-of-state license plates. He mentally noted that there should have been no one at the property. He said that there had been some utility work completed recently, however they should not have been at the residence at that time. Lambert said he thought someone must have broken into his new house and were inside stealing some items. He said he then parked his vehicle to attempt to block in the vehicles in case they attempted to escape with his belongings. Lambert said that he took his phone out to take a picture of the vehicles inside his garage for evidentiary purposes, however at that time, a male exited from a door that leads from the house into the garage. Lambert said he then grabbed his off-duty firearm (he noted that it is a firearm he has qualified with) while it was still inside of its holster and exited his vehicle. Lambert noted that he had to carry the weapon inside the hard plastic holster because he could not fix it to his shorts.

Lambert then said the he challenged the male by saying "What are you doing here?" Lambert said the male said "What are you talking about?" to which Lambert said "what are you doing here?" "This is my house" "I'm a police officer, what are you doing here?" He said at some point, a woman a maybe one little girl was there and he or "she said we live here or he said we live here, I think it was her." Lambert said the he replied "no you don't live here, this is my house, I bought this house on Monday. You don't have any right to be here." He continued to say that she said "we the and I don't remember, I couldn't hear and I hadn't met anyone there, I mean we had only closed, you know, on Monday. So I hadn't met any of my neighbors, I didn't know anybody, I'm not familiar with anybody's cars or vehicles, or anything else. She said I'm the whoever and we've lived here for two and a half years... So I look up and I look over, and I realize that I'm at the wrong house." Lambert said that the houses are "similar." He describes the houses as they sit at the "end of a cul-de-sac, there's three of 'em that's kind of off-set in a row there. It's kind of, uh, difficult to explain what, you know, it looks like but if you drive by there, you, you'll see, I mean it's really easy to see um."

Lambert said that when he realized that he was at the wrong house, he apologized to the family. He said that he apologized numerous times (perhaps 15-20 times). He said he also apologized directly to the little girl. He offered to speak with the male to explain things. He said the male said

“no” and he said that he understood. Lambert said he thinks the family got into a car and left the scene.

Lambert said he was completely embarrassed by the incident. He said the male asked before leaving, if Lambert said that he is a police officer to which Lambert said “yes sir, I am.” Lambert said that he never pointed the gun at anyone, he said “I never even took the gun out of the holster.” He said he has qualified with the gun and it was in the holster. Lambert reiterated that he did not have the gun out of the holster and he never pointed it at anyone. Lambert described that he carried the firearm in front of his body similar to the Sul position with one hand on the pistol and one hand on the holster in case he had to draw quickly. Lambert again said that he apologized numerous times and went over to his house. He said that he noticed that his garage door opened upon pushing the button on the remote opener. He said that he called his wife, [REDACTED], who was at a doctor appointment. He said that [REDACTED] came to the house and they completed their tasks. He said that he thought everything was over and so they went back to their old house. Lambert said that he spoke with [REDACTED] about what he should do to make up for the mistake. He realized that the incident will be difficult to move past.

Lambert said he went to the Knox County Sheriff’s Office to speak about the incident on Thursday, July 25, 2019, in case a report had been filed. He said he found out a report had been filed. Lambert said he then spoke with the Chief of Detectives, Brad Hall, and Lieutenant Steve Sanders of the Major Crimes Division. He said that they told him the investigation is ongoing and they have already contacted the Knox County District Attorney’s office about the case.

Lambert had lived in his previous house for approximately 10-15 years and he has visited this new house three or four times prior to this incident. Lambert said that he had mostly focused on the inside of the house on the prior visits making it difficult to use any landmarks other than the “For Sale” sign on the front of the house. When asked, Lambert stated that he did not consume any alcohol prior this incident between the times he left work and when he arrived at the wrong house in his neighborhood. Lambert noted that he was serving as the Command On-call for UTPD during the week on July 22-28. Upon checking Operations Bulletins from July 19th and July 26th, Assistant Chief Lambert was the Command on-call for UTPD during the time frame of July 22-28, 2019. Lambert’s office 365 calendar does not note that he was Command on-call during the week of July 22-28, 2019.

I contacted Lieutenant Steve Sanders of the Knox County Sheriff’s Office on Friday, July 26, 2019 to inquire about their investigation. Sanders said that there was an active report and that he had referred the investigation to the Knox County District Attorney’s Office. He said Sean McDermott was the assigned DA and he will give Sanders his decision upon reviewing the case. Upon completion of the case, Sanders said he would supply me a copy of the completed report.

On Monday, July 29, 2019 at approximately 1436 hours, Lt Sanders of KCSO contacted me to inquire about Lambert being placed on leave. Sanders said he was with the DA's office and they wanted to know. I advised that Chief Lane decided to put Lambert on Administrative Leave until the investigation concluded. I then asked Sanders if he could give me the title of the criminal report and he said that it was titled Aggravated Assault.

On Tuesday, July 30, I reviewed video of July 24, 2019. Assistant Chief Keith Lambert left the building at approximately 1515 hours. He left in his class A uniform and departed in his issued, unmarked Dodge vehicle. The vehicle turned northbound on 11th St and cameras lose sight when the vehicle approached Clinch Avenue. It appeared that he continued northbound towards Western Avenue.

I contacted fleet services to get access the UT fleet vehicle GPS and was granted access. Upon review, I discovered that the vehicle assigned to Assistant Chief Keith Lambert (Vehicle #62) is not included on the list for vehicles with GPS installed on board.

Upon viewing Lambert's calendar on outlook, he did not have any appointments after 1425 hours on July 24, 2019.

On Wednesday, July 31, Lt. Sanders contacted me to ask questions directed from the District Attorney's office. Sanders asked if Lambert said what kind of holster Lambert was carrying his weapon in and if I asked him about alcohol use prior to the incident. I told Sanders Lambert indicated he had a hard plastic holster (Lambert was unsure of the brand) and Lambert stated that he did not consume alcohol prior to the incident. I also noted that Lambert was the Command On-call for the week of July 21-27, 2019.

On Thursday, August 1, 2019, Chief Troy Lane provided a written statement of the incident Assistant Chief Keith Lambert reported to him on Thursday, July 25, 2019. Lane detailed the time that Lambert called him and the specifics of the description of the incident as reported by Lambert. Lane's written statement details the incident very similarly to the statement Lambert gave to Internal Affairs when questioned.

On Wednesday, August 7, 2019 Lt. Sanders contacted me via telephone to inquire about giving my contact information to the victims of the criminal case against Assistant Chief Keith Lambert. After advising Sanders giving my information to the victims was okay he told me that they would be in contact soon.

Ryan Slowik called me from phone number [REDACTED] within a few minutes and said he and his wife would come to UTPD for an interview regarding this case. Upon hanging up with Slowik, I contacted Lt. Sanders who advised me that the Slowik's had just been advised that the Knox County District Attorney's Office declined to charge Lambert with Aggravated Assault.

Ryan and Valerie Slowik arrived at UTPD at approximately 1045 hours and I escorted them into the conference room to conduct the interview.

Valerie Slowik started by saying that on Wednesday, July 24th they left the garage door open her and her husband Ryan Slowik's residence at [REDACTED]. Valerie said they had arrived at approximately 1730 hours. V. Slowik said that she and her daughter, [REDACTED] (10 years of age) walked out to the garage to get into her Valerie's garage parked Chevy Tahoe at approximately 1745 hours (V. Slowik would later confirm that it was daylight out). V. Slowik said that upon walking out to the garage "your guy" (Lambert) came out of his car, later described as a dark gray Dodge Charger, and said "What the fuck are you doing here? This is my fucking house." She said that Lambert had entered the garage to confront her and her daughter. V. Slowik described Lambert as "psychotic" and "manic" as he was screaming at her and her 10 year old daughter. She said that [REDACTED] and Ryan walked out a short time later. V. Slowik said Lambert looked at R. Slowik and [REDACTED] and said "who the f are you?" V. Slowik said she told Lambert that they have lived at that residence for two years to which he replied "I know who owns this house, I own this effin' hou..."

V. Slowik said that R. Slowik made his way in front of [REDACTED] to protect her. She said that [REDACTED] started "screaming and freaking out" and that is when Lambert seemed to snap out of his anger and realized that he had made a mistake. V. Slowik said that Lambert began to take steps backwards out of the garage and looked at R. Slowik and said, "can I talk to you?" She said R. Slowik "was like no, you need to leave." She said Lambert said the he told the family that he had only been to the house like 3 or 4 times. She also said that while yelling at the family, Lambert said the he was a "cop." V. Slowik said that R. Slowik asked Lambert "you're a cop?" to which Lambert replied yes. V. Slowik said R. Slowik said "and you think it's okay to pull a gun on a ten year old and a woman?" She said Lambert then apologized. She said Lambert then pulled out of their driveway and then drove next door to his house.

V. Slowik said the family got into their car left the house. She said deputies from the Knox County Sheriff's Office met the family at Hardin Valley Elementary School after she called 911 to report the incident. The Slowik's said that neighbors told them that while their family left to meet with the KCSO deputies, another car arrived to the house. They together said the vehicle was a dark colored Chevy Impala (reported from neighbors). They said the neighbors reported that two people got into the Impala and later someone came to take the Dodge Charger.

Ryan Slowik then explained his perspective on the incident. R. Slowik explained that the family was leaving the house together just prior to the incident. R. Slowik said that he forgot something in the house and let V. Slowik and [REDACTED] go ahead while he went to retrieve the item. He said [REDACTED] stayed back with him. He and [REDACTED] left through the door that goes into their garage approximately 10-15 seconds after V. Slowik and [REDACTED] went out to the vehicle. R. Slowik said as soon as he

opened the door he heard “crazed yelling.” He said that he then saw some “stranger” yelling “what the fuck are you doing in my house, in my house?” at his wife in their garage. R. Slowik agreed with V. Slowik that Lambert appeared “deranged.” R. Slowik said that he went to challenge Lambert for the way he was speaking to V. Slowik and [REDACTED]. When R. Slowik got close enough to challenge Lambert he said that he realized that Lambert was holding a “pistol.” R. Slowik said that upon seeing the firearm, he knew he had to change his demeanor and how he wanted to handle the situation for fear the he or his family would be shot. R. Slowik said “I don’t know what’s going on, but this guy is out of his mind and he’s got a pistol.” He described the firearm in Lambert’s left and it was “18 inches from my daughter’s shoulder.” He realized the situation needed to be diffused so the outcome did not end badly for anyone. R. Slowik said he told Lambert “this is my house, we’ve lived here for two years.” Lambert said “this is my house, I live here blah, blah, blah....” R. Slowik said Lambert then also said “I’m a cop, I’m a cop.” R. Slowik replied “We own this house. I own this house.” Lambert repeated “I’m a cop. This is my house, get out of my house.”

R. Slowik said that he then stepped towards Lambert to get in between his wife and daughter and Lambert and as he did Lambert stepped toward him as well. He they were not face to face, but they were very close at that point. Being that close, R. Slowik described Lambert as being completely “out of it.” He said that [REDACTED] then realized how bad this situation was at that point and she then lost it. He said that when [REDACTED] lost it, Lambert looked around and his demeanor changed. Lambert then said something like “come here, I want to talk to you, over here, you and me alone,” whatever... or whatever verbiage he used.” R. Slowik said he replied “No, I don’t want to talk to you. You can get off my property.” R. Slowik said to Lambert “Let me ask you a question. You’re a cop?” Lambert said “Yeah, I’m a cop.” R. Slowik said he then asked “You think it’s okay to pull a firearm in front of a 10-year old girl and her mom?” He said Lambert said, “I said I’m sorry.” R. Slowik said “One more time, before you get in that car, you’re a cop?” Lambert said “Yes.” R. Slowik said Lambert got in the car, backed out and pulled to the house next door. R. Slowik said at that point, they had no idea who “this guy” was. He did not show a badge or identification to either R. Slowik or V. Slowik.

R. Slowik said that Lambert never tried to prove that he was indeed a police officer. They had no proof of his identity and they were concerned as to who he was.

V. Slowik then stated how their children, [REDACTED], have been severely traumatized by this situation. R. Slowik said that upon finding out that Lambert is indeed a police officer, he is fearful of the way that he responded to this situation. R. Slowik said what if his children kick a ball into his yard and he is not prepared to see them there. They are fearful of what happens if Lambert does move in to the neighborhood.

Neither of the Slowiks noticed the smell of alcohol or realized that he appeared intoxicated. They described Lambert as irrational and yelling. R. Slowik said that Lambert was “off” in his handling of the situation and he would think an officer would handle the situation far differently.

V. Slowik showed me pictures of their garage. The pictures showed the garage to have a refrigerator, pink bicycle, and sports equipment inside. They described the garage as “lived in” meaning it would be obvious that the garage belonged to someone else. V. Slowik noted that at the time of day, the sun was out noting that being dark would be a reason for the confusion. R. Slowik later added that he expected a far better response from a police officer who should know how to de-escalate a situation.

The Slowik’s were concerned with the fact that Lambert is a law enforcement official and his wife [REDACTED]. They said that Lambert knows how to use law enforcement jargon when stating his case to make officials lean in his favor. V. Slowik later said the Lambert had “so many stopping points” to take advantage of before responding the way that he did.

Upon concluding the interview with the Slowik’s I contacted Lt. Sanders of the Knox County Sheriff’s Office about obtaining the investigative file for the case. Sanders had the file waiting for my arrival so I went to KCSO Major Crimes to get the copy. Sanders has also had a copy of the criminal case emailed to me. Sanders also gave me video from a Ring camera belonging to a neighbor which shows Lambert’s issued vehicle arrive near the scene at 1745 hours on July 24, 2019 and another video of what may be [REDACTED] vehicle leaving the area at approximately 1824 hours on July 24, 2019.

Within the files provided are recorded interviews with each of the Slowiks as well as Assistant Chief Lambert. The Slowiks were interviewed on Wednesday, July 24th into Thursday, July 25th, 2019 as it took place late during the night of the incident. Lambert was recorded on Thursday, July 25, 2019. The accounts of Lambert and R. Slowik and V. Slowik are consistent with what has been stated. [REDACTED] (10 years of age) and [REDACTED] (11 years of age) were interviewed on July 24th and July 25th. Each of their accounts state that Valerie Slowik and [REDACTED] were the first two to leave the house and encounter the man (Lambert) during the incident on July 24, 2019.

The Slowik’s provided a phone number for a neighbor, Keith Jordan, who offered to speak with me to give some further information. On August 7, 2019, I contacted Keith Jordan to see what information he could offer. Jordan said that his wife saw a vehicle at the Lambert’s new residence on Tuesday July 23, 2019 which is a day after the closing.

On Thursday, August 8, 2019 Assistant Chief Keith Lambert arrived for a scheduled interview. Lambert was re-issued a Garrity Warning prior to speaking. Lambert stated that he was unaware of the outcome of the criminal case at that point. The District Attorney’s Office gave a decision that there would be no criminal charges.

Lambert was asked if he went to the house on Tuesday, July 23, 2019 and he said he could not remember going to the house and that may have been his wife, [REDACTED]. It was then revealed that Avigilon footage showed Lambert leaving the University of Tennessee Police Department at approximately 1515 hours on July 24, 2019. Lambert could not remember leaving early for the day, however he said he may have for some reason or another. I advised that I looked at his calendar and that revealed he had calendar items until 1445 and there was nothing further.

Lambert said that he “probably” went home, got changed and was “relaxing.” He stated that his wife, [REDACTED], asked him to go to the new house to retrieve some items for her as she was at a doctor’s appointment at the time and was running late. Lambert said that he went to the new house to get the items (he could not remember what the items were).

Lambert was adamant that he encountered the Ryan Slowik first when he arrived at the house. It was explained to Lambert that all four members of the Slowik family, including the two children, said that Valerie and [REDACTED] first encountered Lambert when he challenged them with a gun in hand. Lambert reiterated that he pulled his vehicle in to the driveway behind the Chevy Tahoe and he was going to take a picture of the house with the vehicle parked in the garage to capture what he saw. He said he was unsure of where the door was, but a male approached him first. Lambert said that he challenged him and within 15 to 20 seconds a woman came out to where they were. He could not remember that there were two children present.

Lambert reiterated that he apologized once he realized the mistake and told the family that he was a police officer. He said that he went to his house and took a few minutes to decompress from the situation and then called his wife to tell her what happened. [REDACTED] came to the house and they took care of what they needed to and they then left. He said that since the family left he figured they understood that it was a mistake. He thought the situation was “over with.”

When challenged again that the family has stated that Valerie and [REDACTED] were the first two people Lambert encountered, he said it was the man who he encountered first. He said that if the woman was the first person he encountered, he would have challenged her the same way. Lambert said that he made notes of the incident to make sure of what happened because he knows memory fades with time.

Lambert stated that he takes prescribed medication that does not lead to intoxication. He reiterated that he did not consume any alcohol. He stated that he was on-call for that week and he does not consume alcohol when he is on-call. He did admit that he is concerned for his wife as she is going through some personal issues. Lambert said that he has been concerned for his wife.

Lambert stated that he did not remove the weapon from its holster and he did not point his weapon at the family at any time. However, Lambert stated that if he did remove the weapon from the holster or if he pointed his weapon at the family, he felt he would have been justified.

Lambert was then asked about use of the department vehicle. Lambert was asked if it is common from him to use the department vehicle to conduct personal errand. Lambert stated that he was going to his house at the time, clarifying that he now has two residences. Lambert said that “as a rule” it is not allowed for him to use the vehicle for personal errands. Lambert did say that he was “on-call” during this time. When challenged, Lambert said that even though he was on-call, using the vehicle, he did not have a uniform on nor did he have his badge with him. Lambert stated that [REDACTED] arrived to the new house after he phoned her to explain what happened. Lambert said after about 45 minutes to an hour later while taking care of a few minor issues, he and [REDACTED] left the new house in separate vehicles.

Lambert stated that if he could do to over again, he would have contacted the Knox County Sheriff’s Office to report what had happened. Lambert stated that he found out a complaint had been filed the next day. He said [REDACTED] was running a report for a zone that the incident fell within and realized a complaint had been filed. At that time, Lambert said that he notified Chief Lane about the incident. Lambert said that he then went to the Sheriff’s office to give his side of the encounter and he then found out there was a criminal case completed. Upon leaving the Sheriff’s Office, Lambert said that he then notified Chief Lane of the criminal report.

Lambert later revealed that he does not look at all of the details of the house when purchasing. He said that most of his focus was on the inside of the residence. He stated that the houses looked similar to him at the time. He also said that now, he realizes that the houses are not that similar and there are differences. Lambert also stated that he is color blind so colors of the house would not be as recognizable to him as it would to others.

When asked how he would respond as the Assistant Chief, if the narrative he experienced applied to another officer, Lambert said it would look bad whether it was an officer or the Assistant Chief of Police. However, Lambert also said that people make mistakes. Lambert said the “big thing” is the time frame and the fact that he has not been to the house enough to be familiar with it.

Lambert said that he did not use any “profanity” towards the family when it was explained that he used it during the encounter with the family. When challenged that Chief Lane said he admitted that he used colorful language with the family, Lambert said he did not remember saying that would be considered colorful or foul language.

Accusation

Federal Code

18 USC 926C(b)- The Law Enforcement Officers Safety Act (LEOSA)

Tennessee Code Annotated

39-13-102- Aggravated Assault

39-14-405- Trespassing

39-13-302- False Imprisonment

39-13-103- Reckless Endangerment

UTPD General Orders

1.03 IV.B.2.a.1- Handguns- Concealed

1.03 IV.B.2.b- Secondary or Backup Weapons- Concealed

1.23 II.A.1- Knowledge of Regulations

1.23 II.A.4- Use of Force-

1.23 II.A.6- Reporting Violations- As soon as possible

1.23 II.A.7- Unbecoming Conduct

1.23 II.A.13- Requests for Identification

1.23 II.A.17- Carrying Badge and Weapon Off Duty

1.23 II.A.20- Departmental Reports and Abuse of Process

1.23 II.B.1- Use of Alcohol

1.23 II.B.2- Possession and Use of Drugs

1.23 II.B.8- Intervention

1.23 III.E.1.a- Truthfulness

1.23 III.E.1.b- Truthfulness

University of Tennessee HR Policies

HR0580.1- Ethical and Responsible Conduct

HR0580.2- Responsible Reporting of Suspected Violations and University Response

HR0580.5- -Responsible Use of University Resources

HR0580.11.b- Respect for Property (Dishonesty)

HR0580.11.d- Unauthorized use of university vehicle

HR0580.13.c- Behavior or conduct unacceptable to the university or the community at large

Findings

Assistant Chief Lambert behavior and reaction to this incident leave a lot of questions as to why he reacted the way that he did. Lambert was the one who became lost and arrived at the wrong house. Law enforcement has gone through extensive training to work on de-escalation tactics when responding to an incident. From Lambert's point of view, he saw the male first, therefore he challenged him with a firearm in hand. He stated that within 10-15 seconds the woman came to the scene and there was a child present as well. He should have realized his mistake much sooner.

It could be stated, that upon seeing the garage which had items inside that would suggest that the house was "lived in," he should have been able to recognize his mistake much sooner than he actually did. Those items include a refrigerator, a pink girls bicycle, and sports items. Lambert should have been able to view the scene in its totality and realize that he was not at the correct address. He stated that he took out his phone to capture a picture of the garage. This should have given him time to see the items already present. This should have given him the time to re-evaluate his location and thus de-escalate the situation. Instead, he escalated the situation by exiting the vehicle with a holstered firearm in hand.

Graham vs. Connor is the prevailing court case that guides law enforcement officers in use of force incidents. There are three factors to consider when using the Graham vs. Connor guidelines. Those factors are 1) The severity of the crime at issue 2) Whether the suspect poses an immediate threat to the safety of the officers or others and 3) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

The severity of the crime at issue would have to be questioned. Even if the people were burglars at Lambert's residence, he had not moved in yet and his wife, [REDACTED] was not at the house. It seems excessive that Lambert would have to hold a family of four at gunpoint for any belongings that may have been within the house. He admittedly did not un-holster his weapon, however, the Slowiks only saw a firearm, not an un-holstered firearm. Therefore it can be argued that the Slowiks were seized at that point.

A family of four with two children (ages 10 and 11), with the 11 year old in a cast, does not seem to be an immediate threat in this incident. This is a use of force incident that was easily avoidable.

The family had the means to leave however, they were not attempting to evade by flight when they were speaking with Lambert. In fact, the Slowiks said they were leaving in the vehicle that Lambert had blocked with the UTPD department vehicle. Lambert admitted that he only realized there was

one child, not two, showing how his stress was elevated and he could not see the totality of the situation.

Lambert told the family he was an officer, however, he failed to properly identify himself either by producing a badge or ID. He also did not contact the Knox County Sheriff's Office to come investigate the incident and identify him as an officer. Instead, he left the scene when the father did not want to speak with him at that time. This kept the situation escalated as the family had no idea of his identity at the time.

Lambert admittedly did not report this incident to anyone other than his wife on July 24, 2019. While there is no doubt that this is an embarrassing incident, reporting to the proper channels would have been a much better way of handling instead of reporting only when he found out there was a complaint filed with the Sheriff's Office. Lambert could have got ahead of any issues by advising chain of command in a timely manner.

Reporting that day would have also cleared up any issues of potential use of alcohol or drugs as an investigator (KCSO or internal) could have made contact with him and made observations or perhaps get Lambert to submit to a urine test for any intoxicants.

Without any definitive proof, it appears there are a couple of potential factors that would make Lambert react to this situation the way that he did. Those factors include potential use of drugs or alcohol and/or an acute stressor. Lambert admitted that his wife is going through a personal issue that has added some stress to him. At the same time, Lambert stated that this did not play a major role in how he reacted. Lambert said that he would have acted the same, even if he encountered the woman first instead of the man.

Below are the listed potential violations Lambert faces due to his actions during this incident:

Federal Code

18 USC 926C(b)- The Law Enforcement Officers Safety Act (LEOSA)

There were no charges on this law, however, the law states "Qualified active law enforcement officers must carry the photographic identification issued by the agency for which they are employed." Due to no federal charges being filed thus far, the finding for this is **Not sustained**.

Tennessee Code Annotated

39-13-102- Aggravated Assault

39-14-405- Trespassing

39-13-302- False Imprisonment

39-13-103- Reckless Endangerment

For each of these, it appears that some elements of the crimes exist. The Knox County District Attorney's Office declined any charges against Lambert citing "Mistake of fact is a defense to prosecution if the ignorance or mistake negates the culpable mental state of the charged offense." Therefore findings for all are **Not sustained**.

UTPD General Orders

- 1.03 IV.B.2.a.1- Handguns- Concealed Sustained.** Lambert admitted that he was not wearing clothing conducive for concealed carry. For that reason he had to carry the weapon, while in its holster, with both hands in the open.
- 1.03 IV.B.2.b.1- Secondary or Backup Weapons- Concealed Sustained.** Lambert admitted that he was not carrying the weapon in a concealed manner.
- 1.03 VII.A- Reporting Responsibilities for Use of Force. Sustained.** Lambert should have immediately notified Chief Lane about the incident considering the presence of a firearm during the incident.
- 1.23 I- Law Enforcement Code of Ethics- Sustained.** This incident, in its entirety, violates the "I will keep my private life unsullied as an example to all" part of the Law Enforcement Code of Ethics. The incident has gained attention of the local media and local social media. The department has received numerous messages through email and social media platforms
- 1.23 II.A.1- Knowledge of Regulations- Sustained.** Lambert has violated numerous standards as a result of his actions in this incident.
- 1.23 II.A.4- Use of Force- Sustained.** Lambert decided to produce a firearm when he confronted the family whom he thought was breaking into his residence. It could be reasonable to think that he could have tried to de-escalate the situation when he confronted whomever he confronted first.
- 1.23 II.A.6- Reporting Violations- As soon as possible. Sustained.** Lambert admitted that he thought the family would let the situation go instead of reporting to the local authorities. As an Assistant Chief, it seems he would understand the gravity of this situation and would want to clarify with all involved parties as soon as possible. He gave notice to the Chief of Police only after realizing there was a complaint filed the next day.
- 1.23 II.A.7- Unbecoming Conduct- Sustained.** Lambert's decisions and actions during this incident do not reflect positively on the department.
- 1.23 II.A.13- Requests for Identification. Sustained.** While R. Slowik did not directly ask for identification, Lambert should have found a way to positively identify himself as a law enforcement officer. Admittedly, he did not have identification with him at the time so he should have contacted the Sheriff's Office so an on-duty officer could help in obtaining his identity.

- 1.23 II.A.20-** Departmental Reports and Abuse of Process- **Not sustained.**
- 1.23 II.B.1-** Use of Alcohol- **Not sustained.** Lambert stated that he was the Command On-call during the time of this incident. Use of alcohol cannot be proven.
- 1.23.II.B.2-** Possession and Use of Drugs- **Not sustained.** Lambert stated that he was the Command On-call during the time of this incident. Possession and use of drugs cannot be proven.
- 1.23 II.B.8-** Intervention- **Sustained.** Lambert should have contacted the local authorities, in this case the Knox County Sheriff's Office, to come and investigate the incident and at least identify him to clarify this issue. He chose to investigate on his own while not in uniform and without any identification.
- 1.23 III.E.1.a-** Truthfulness- **Not sustained.** Lambert gave consistent statements regarding the incident. While his account differs from the victims, it cannot be proven that Lambert has been untruthful.
- 1.23 III.E.1.b-** Truthfulness- **Not Sustained.** Lambert gave consistent statements regarding the incident. While his account differs from the victims, it cannot be proven that Lambert has been untruthful.
- 1.23 V.A-** Conduct During Arrest- **Sustained.** Lambert admittedly did not have police identification on his person prior nor was he wearing UTPD attire to identify him as a police officer prior to taking police action.

University of Tennessee HR Policies

- HR0580.1-** Ethical and Responsible Conduct- **Sustained.** This incident gives the "appearance of unethical or irresponsible conduct" as Lambert has violated numerous UTPD General Orders.
- HR0580.2-** Responsible Reporting of Suspected Violations and University Response- **Sustained.** Lambert failed to report "acts that endanger the health or safety of the public or employees" at "the earliest possible opportunity." He admittedly waited until he knew there was a complaint filed with the Knox County Sheriff's Office
- HR0580.5-** -Responsible Use of University Resources- **Sustained.** Lambert knowingly used a department vehicle to conduct personal business. While he was travelling to his secondary residence, it was for an admitted personal errand.
- HR0580.11.b-** Respect for Property (Dishonesty). **Not Sustained.** It cannot be proven that Lambert knowingly was dishonest during his interviews.
- HR0580.11.d-** Unauthorized use of university vehicle-**Sustained.** Lambert knowingly used a department vehicle to conduct personal business. While he was travelling to his secondary residence, it was for an admitted personal errand.
- HR0580.13.c-** Behavior or conduct unacceptable to the university or the community at large. **Sustained.** Lambert's behavior during this incident could be seen as "unacceptable to the university or the community at large."